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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

12 JAIME PERALEZ FLORES,) 1:09-CV-2108 OWW-GSA
13 Petitioner,) ORDER VACATING FINDINGS AND
14) RECOMMENDATIONS
15 v.) ORDER TRANSFERRING CASE TO
16 ROBERT DASCHOFSKY,) UNITED STATES DISTRICT COURT
17 Respondent.) EASTERN DISTRICT OF WASHINGTON
) (Docs. 2 and 4)

19 Plaintiff, Jaime Peralez Flores (“Plaintiff”), is proceeding pro se and filed a complaint
20 alleging civil rights violations pursuant to 42 U.S.C. § 1983. On December 2, 2009, Plaintiff filed a
21 motion to proceed in forma pauperis, however, he did not complete the application form. On
22 December 10, 2009, this Court issued an order that within forty-five (45) days, Plaintiff shall file a
23 completed application to proceed in forma pauperis, or in the alternative, pay the \$350.00 filing fee.
24 The deadline for filing the completed application was January 25, 2010. Plaintiff did not timely
25 comply with the Court’s order. On February 2, 2010, this Court issued Findings and
26 Recommendations that the Plaintiff’s case be dismissed for failure to comply with the Court’s order.
27 On February 23, 2010, Plaintiff filed an application to proceed in forma pauperis.

28 The submission of Plaintiff's new in forma pauperis application suggests that Plaintiff wishes

1 to continue to prosecute this action. Therefore, the Court vacates the Findings and
2 Recommendations that were issued on February 2, 2010. A review of the Plaintiff's complaint
3 however indicates that the sole Defendant in this case is Mr. Robert Daschofsky, a Sergeant with the
4 Walla Walla Sheriff's Office in Walla Walla, Washington. Plaintiff's complaint relates to his arrest
5 by the Department of Homeland Security that occurred in Walla Walla, Washington. Therefore, the
6 Court is transferring this action to the United States District Court, Eastern District of Washington,
7 because the only named defendant resides in that district and the events giving rise to the claim
8 occurred in Walla Walla, Washington. *See*, 28 U.S.C. § 1391(a)(2). The court is also transferring
9 this action to the Eastern District of Washington pursuant to Title 28 United States Code Section
10 1404(a) in the interests of justice.

11 Good cause appearing, IT IS HEREBY ORDERED that this matter is TRANSFERRED to
12 the United States District Court, Eastern District of Washington.

13 IT IS SO ORDERED.

14 **Dated: March 2, 2010**

15 /s/ **Gary S. Austin**
16 UNITED STATES MAGISTRATE JUDGE
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